

## SCHEDULE

### PART 6

#### Other amendments: England, Wales and Scotland

##### **The Pension Protection Fund (Entry Rules) Regulations 2005**

**111.**—(1) The Pension Protection Fund (Entry Rules) Regulations 2005<sup>(1)</sup> are amended as follows.

(2) In regulation 1—

(a) in paragraph (3) omit the definitions of “establishment” and “the Insolvency Regulation”; and

(b) omit paragraph (7).

(3) In regulation 7—

(a) in paragraph (1) for “paragraphs (2), (4) and (5)” substitute “paragraphs (2) and (4)”; and

(b) omit paragraphs (5) and (6).

(4) In regulation 7A—

(a) in paragraph (2) for “paragraphs (3), (5) and (6)” substitute “paragraphs (3) and (5)”, and

(b) omit paragraphs (6) and (7).

##### **The Cross-Border Insolvency Regulations 2006**

**112.** The Cross-Border Insolvency Regulations 2006<sup>(2)</sup> are amended as follows.

**113.** Schedule 1 is amended as follows.

**114.** In article 1 in paragraph 3(b) omit “, other than the United Kingdom,”.

**115.** In article 2—

(a) in paragraph (a)(i)—

(i) after “and made by or under” insert “the EU Insolvency Regulation,”, and

(ii) after “or by or under that” insert “Regulation or”;

(b) in paragraph (a)(ii) —

(i) after “and made by or under” insert “the EU Insolvency Regulation,”, and

(ii) after “or by or under” insert “that Regulation or”.

(c) in paragraph (d) at the end of the definition of “the EU Insolvency Regulation” insert “as that Regulation forms part of domestic law on and after exit day”.

**116.** Omit article 3.

**117.** In article 16—

(a) after paragraph 2 insert—

“**2A.** Where the EU Insolvency Regulation applies the centre of the debtor’s main interests is to be determined in accordance with that Regulation.”;

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(1) [S.I. 2005/590](#); relevant amending instruments are [S.I.s 2016/294](#) and [2017/702](#).

(2) [S.I. 2006/1030](#); relevant amendments were made by [S.I. 2017/702](#).

(b) for paragraph 3 substitute—

“3. Subject to paragraph 2A, in the absence of proof to the contrary, the debtor’s registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor’s main interests.”.

118. Schedule 2 is amended as follows.

119. In paragraph 1 in sub-paragraph (1)(3) omit the definitions of “main proceedings”, “member State liquidator”, “secondary proceedings” and “territorial proceedings”.

120. In paragraph 4 omit sub-paragraph (2).

121. In paragraph 6 omit sub-paragraph (2)(b) and the “and” preceding it.

122. In paragraph 21 omit sub-paragraph (2)(e).

123. In paragraph 25 omit sub-paragraph (1)(e).

124. In paragraph 26 omit sub-paragraph (3)(c).

125. In paragraph 46 omit sub-paragraph (1)(f).

126. Schedule 3 is amended as follows.

127. In paragraph 1 in sub-paragraph (1) omit the definitions of “main proceedings” and “member State liquidator”.

128. In paragraph 6 omit sub-paragraph (1)(e).

129. In paragraph 7 omit sub-paragraph (3)(c).

130. In paragraph 9 omit sub-paragraph (1)(f).

131. Schedule 5 is amended as follows.

132. In Form ML6 omit paragraph 5 (statement of service on the member State liquidator).

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(3) Relevant amendments were made to paragraph 1(1) by [S.I. 2017/702](#).